

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TYRONE GREEN,

Plaintiff,

1:14cv0159
ELECTRONICALLY FILED

v.

RAYMOND BURKHART,
JOHN HAGGERTY, JOHN GILARA,
DANIEL PACK, JOHN CHILES, and
SERGEANT CHERNOSKY,

Defendants.

MEMORANDUM ORDER RE: PLAINTIFF'S MOTION IN LIMINE ([DOC. NO. 212](#))

Plaintiff has filed Motions in Limine, ([doc. no. 212](#)), seeking to preclude Defendants from presenting:

1. Evidence pertaining to the prison investigation of the May 6, 2014 assault of the Plaintiff that was not produced to Plaintiff during discovery or included in the Defendants' trial exhibits;
2. Evidence regarding events that occurred in the prison triage/medical unit following the assault on May 6, 2014; and
3. Plaintiff's criminal and prison misconduct history.

[Doc. No. 212](#).

Regarding the first two items, Plaintiff has not directed the Court to any proffer or argument by Defendants that would show they intend to produce such evidence, if it exists, at trial. Such evidence would be irrelevant to the claims and issues remaining in this lawsuit.¹ As Plaintiff states, regarding item 1, such evidence was not included in Defendants' trial exhibits, nor was it mentioned in Defendants' pretrial statement, [doc. no. 141](#). Neither Party will be

¹ If Plaintiff is continuing to assert a "failure to investigate" claim related to the May 6, 2014 assault, or a claim regarding his medical treatment following the assault, he is reminded that those claims were previously dismissed from this lawsuit. [Doc. No. 127](#).

permitted to produce irrelevant testimony or evidence at trial. Accordingly, Plaintiff's Motions in Limine pertaining to items 1 and 2 are GRANTED.

Plaintiff's Motion in Limine regarding item 3, his criminal and prison misconduct history, is GRANTED IN PART and DENIED IN PART. Plaintiff's criminal history is wholly irrelevant to the claims and issues in this lawsuit and Defendants will be precluded from introducing evidence of it. Plaintiff's entire prison misconduct history is irrelevant, however, Defendants will not be precluded from introducing evidence regarding specific instances of prison misconduct if it relates to Plaintiff's claims, or Defendants' defense that a particular action was taken for a legitimate penological interest.

SO ORDERED, this 7th day of July, 2017,

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All ECF Registered Counsel of Record
TYRONE GREEN
EP-4593
SCI SOMERSET
1600 Walters Mill Road
Somerset, PA 15510
PRO SE